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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000504

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SUBJECT: CIVIL SOCIETY ASSESSMENT OF POST-NARGIS RELIEF AID
ALLEGES BURMESE CRIMES AGAINST HUMANITY

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Classified By: POL Counselor George Kent, reason 1.4 (b, d).

SUMMARY AND COMMENT

¶1. (SBU) Taking advantage of the proximity of the ASEAN Summit, civil society groups unveiled the first independent assessment of Cyclone Nargis relief efforts at the Foreign Correspondents Club of Thailand (FCCT) on February 27 and called for the State Peace and Development Council (SPDC) to be investigated by the International Criminal Court (ICC) for crimes against humanity in the aftermath of Cyclone Nargis in ¶2008. The report, by the Mae Sot-based Emergency Assistance Team (EAT) and the Center for Public Health and Human Rights at the Johns Hopkins School of Public Health, incorporated 90 interviews with relief workers and cyclone survivors. Excerpts from the interviews documented what presenters described as a consistent pattern of information suppression, obstruction, and confiscation of relief aid, arrested aid workers, forced labor and relocation, and discrimination in delivery of relief aid by the SPDC.

¶2. (C) Comment: The report's release date in the run-up to the February 27-March 1 ASEAN Summit, and delivery to ASEAN Secretary General Surin Pitsuwan, was no coincidence. Surin himself used the recent ASEAN Forum to challenge civil society to give life to the Charter, to hold leaders and ASEAN accountable. However, the apparent pressure exerted by several ASEAN governments and elements within Thai government and security structures on activists to withdraw from the planned civil society-ASEAN Leaders' dialogue February 28 (septel) was a reminder that ASEAN civil society remains far ahead of even the democratic governments in ASEAN in addressing sensitive issues at the heart of whether ASEAN can mature as a community, first and foremost the situation in Burma. End Summary and Comment.

REPORT ALLEGES CRIMES AGAINST HUMANITY

¶3. (SBU) The launch of the report "After the Storm: Voices from the Delta" at the FCCT in Bangkok on February 27 featured multiple examples of how the report authors claimed the SPDC had abused human rights in the aftermath of Cyclone Nargis. Interviews with survivors and relief workers

detailed in the report include incidents of obstructed aid to victims, arrested aid workers, forced labor and relocation, and discrimination against ethnic Karen in the dissemination of aid. These abuses, the report alleged, violated Article 7(1)(k) of the Rome Statute of the ICC; the report recommended the case should be referred to the ICC by the Security Council. The Director of the Center for Public Health and Human Rights at Johns Hopkins Bloomberg School of Public Health, Chris Beyrer, told the crowd gathered at the FCCT that most everyone interviewed for the report reported forced labor and forced relocation. He added that all those interviewed said that "the standard operating procedure (of the SPDC) was seizure and sale of relief goods."

14. (SBU) Beyrer told the audience that the report's outline of SPDC treatment of Delta residents should not come as a surprise, despite an often positive picture of the relief effort from NGOs and international relief agencies operating in Burma; he stated that the harsh conditions remained consistent with SPDC policy throughout Burma. However, Beyrer viewed the SPDC's denial of relief aid to victims in the wake of the Cyclone as a clear crime against humanity, and the basis for an investigation for a potential ICC case based on "documented violations" of the Rome Statute. He acknowledged that Burma was not a signatory to the Rome Statute, and that only the United Nations Security Council could recommend the case to the ICC.

HIGH EXPECTATIONS FOR ASEAN

15. (SBU) Chairwoman of the Emergency Assistance Team (EAT) committee Dr. Cynthia Maung, renowned for her medical work out of the border town of Mae Sot, told the FCCT audience

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that "the people of Burma have been suffering for many years," and that ASEAN had an obligation to help the Burmese by encouraging NGO and civil society participation inside and outside of Burma. Burma Partnership coordinator Khin Ohmar raised the point that a "politically-inspired wall of silence" within the NGO and relief aid communities post-Nargis had resulted in a rose-colored view of the relief process within the international community. She praised the report and said, "no one heard the voices from the Delta, until now."

16. (SBU) In addition to many recommendations to the SPDC, the U.S. and the E.U., the report called for ASEAN to act. It recommended that ASEAN invoke its Charter to call for the immediate release of jailed relief workers, and to allow the free and open participation of Burmese civilians, NGOs, and all political parties in the relief efforts. The report also advised ASEAN members to explore alternative methods of developing recovery and reconstruction programs for the Delta; it pressed ASEAN to insist to the SPDC that all Nargis relief programs meet international standards for humanitarian aid. All Burma's Monks Association representative Ashin Sopaka, dressed in monk's robes, told the audience that his counterparts in Burma were not permitted to donate or deliver aid. He explained that the SPDC did not want monks to be seen as a source of assistance.

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